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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,207	12/19/2000	Timothy P. Barber	2-604.6-1	7642

4955 7590 09/21/2004

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EXAMINER

FELTEN, DANIEL S

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,207

Applicant(s)

BARBER, TIMOTHY P.

Examiner

Daniel S Felten

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In view of the Replacement Supplemental Brief filed on June 18, 2004, PROSECUTION IS HEREBY REOPENED. New rejections with new prior art have been set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. It should be noted that the Examiner has pointed out particular references contained in the prior art in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations with the individual claims, other passages and figures apply as well. It is requested from the Applicant, in response to this action, to carefully

and fully consider the entire references as well as the context of all referenced passages as potentially as teaching all or part of the claimed invention(s).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. What is the difference between the issue time and the lifespan? Is the lifespan an indication of the electronic stamp up to the present time or is it an indicator of a expiration/cancellation date?

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuzma (US 5,771, 289) in view of Sundsted (US 5,999,967)

Kuzma discloses, as in claim 1, a method of providing for a money transfer over a network (see Kuzma, col. 1, ll. 15-35), comprising the steps of:

a) providing a stamp having a face value and a lifespan both indicated on the stamp (see Kuzma, col. 2, ll. 66 to col. 3, ll. 16), the stamp being a string that is a concatenation of two or more fields including the face value and the lifespan (see Kuzma, figs. 4a-d, col. 5, ll. 47+; and col. 6, ll. 37-40), with at least one of the fields calculated according to a prescription involving a hashing or encryption of a concatenation of others of the fields or of some other field not part of the stamp (see col. 4, ll. 21-26) b) affixing the stamp an e-mail (see Kuzma, col. 2, ll. 66 to col. 3, ll. 16; col. 3, ll. 63 to col. 4, ll. 4);

Kuzma fails to disclose allowing the recipient of the e-mail obtain value for the stamp if the stamp is presented to a predetermined entity the stamp value within the lifespan indicated on the stamp. Sundsted discloses allowing the recipient of the e-mail obtain value for the stamp if the stamp is presented to a predetermined entity the stamp value within the lifespan (date field—42) indicated on the stamp (see Sundsted, col. 7, ll. 1-40; and col. 9, ll. 45-60).

In behavioral science, "Conditioned Reflex" the process whereby dogs or humans learn to connect a stimulus to a reflex is called conditioning. Similarly, an artisan at the time of the invention of Kuzma would have been familiar with concept of Conditioned Reflex and have been motivated to integrate the aforementioned feature(s) of Sundsted into Kuzma to get a higher response to receiving/transmitting

certain e-mail by setting a higher priority for e-mail messages associated with a value within the e-stamp. Because the mail recipient would naturally learn to place a higher importance on e-mail in which there was an associated reward as a conditioned reflex (i.e. Ivan Pavlov's Dog) Sundsted would provide a greater incentive for the recipient to open and read certain e-mail messages. Thus such a modification would be considered an obvious expedient to one of ordinary skill in the art.

Re claim 2:

Kuzma in view of Sundsted disclose the stamp is a concatenation set of fields, the set comprising: a) an issue time; b) a lifespan; c) a stamp value; and d) a first-hashed field that is a hash of a concatenation of the preceding fields and, in addition a secret constant known only to the stamp issuer (see Sundsted figs. 4 and 5, col.6, ll. 65 to col. 7, ll. 40; col. 9, ll. 61 to col. 10, ll. 20).

Re claim 3:

Kuzma in view of Sundsted discloses wherein the first-hashed field is predetermined truncation of the output of the hash of the concatenation of all of the preceding fields and, in addition a secret constant known only the stamp issuer(see Sundsted figs. 4 and 5, col.6, ll. 65 to col. 7, ll. 40; col. 9, ll. 61 to col. 10, ll. 20).

Re claim 4:

Kuzma in view of Sundsted discloses wherein the set of fields of which the stamp concatenation further comprises second-hashed field that is a hash of the issue time field, the lifespan field, the stamp value field, and the first-hashed field . (see Sundsted figs. 4 and 5, col.6, ll. 65 to col. 7, ll. 40; col. 9, ll. 61 to col. 10, ll. 20).

Re claim 5:

Kuzma in view of Sundsted disclose wherein the second-hashed field is a predetermined truncation of the output of the hash of the issue time field, the lifespan field, the stamp value field, and the first-hashed field(see Sundsted figs. 4 and 5, col.6, ll. 65 to col. 7, ll. 40; col. 9, ll. 61 to col. 10, ll. 20).

Re claim 6:

Kuzma in view of Sundsted discloses wherein the set of fields of which the stamp concatenation further comprises a digital signature field that is a digitally signed encryption of the issue time field, the first-hashed field and the second-hashed field, wherein the encryption is performed using a private key of the stamp issuer (see Sundsted figs. 4 and 5, col.6, ll. 65 to col. 7, ll. 40; col. 9, ll. 61 to col. 10, ll. 20).

Re claim 7:

Kuzma in view of Sundsted disclose wherein the set of fields of which the stamp is a concatenation further comprises a digital signature field that is a pre-determined truncation of the issue time field, the first-hashed field, the second-hashed field, and a secret constant, known only to the stamp issuer and other qualified parties (see Sundsted figs. 4 and 5, col.6, ll. 65 to col. 7, ll. 40; col. 9, ll. 61 to col. 10, ll. 20).

Re claim 8:

Wherein the predetermined entity is the stamp issuer (see Sundsted figs. 4 and 5, col.6, ll. 65 to col. 7, ll. 40; col. 9, ll. 61 to col. 10, ll. 20).

Conclusion

7. Non-Patent Literature of Significance considered significant:

O'Mahony et al "Electronic Payment Systems"; Arctech House, Inc., Copyright 1997.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S Felten whose telephone number is (703) 305-0724. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DSF
September 11, 2004

Daniel S Felten
Examiner
Art Unit 3624



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